

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

September 5, 2014

946

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Dear Chairman Wheeler,

In its March 31, 2014 Report Order and Further Notice of Proposed Rulemaking, the Federal Communications Commission ("FCC" or "Commission") sought comment on whether it should eliminate or modify the broadcast exclusivity rules for local markets, including the network non-duplication and syndicated exclusivity rules ("local market rules"). The local market rules allow broadcasters and content owners to enforce their contractual rights and form the basis for the current broadcast business model. Because these rules are foundational to American broadcasting and the effects of eliminating or modifying the rules are unclear, we urge the Commission to not modify any local market rules without due process, a fulsome record, and a meaningful consideration of the potential harms.


The video marketplace has changed significantly since the Commission adopted the local market rules and many questions remain regarding how elimination or modification of any or all of the rules would affect the marketplace and interested parties. The local market rules are part of a larger legislative and regulatory regime that defines the U.S. broadcasting industry as well as significant portion of the video content industry. Any changes to these rules should be considered in the larger context of the video economy, particularly in light of the public interest relationship between local programming and these rules.

Some stakeholders argue that these rules are necessary to support local broadcast programming. We take these concerns seriously, as our nation values access to local news and information. Accordingly, we have requested the Government Accountability Office conduct a study on the impact that modifying or eliminating the local market rules would have on the availability of local broadcast content. We urge the Commission to consider GAO's conclusions as part of its proceeding on the local market rules.

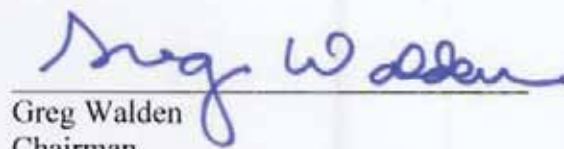
Sincerely,



Fred Upton  
Chairman



Henry Waxman  
Ranking Member



Greg Walden  
Chairman  
Subcommittee on Communications  
& Technology



Anna G. Eshoo  
Ranking Member  
Subcommittee on Communications  
& Technology



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 10, 2014

The Honorable Anna Eshoo  
Ranking Member  
Subcommittee on Communications and Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
241 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding the Commission's network non-duplication and syndicated exclusivity rules. I appreciate hearing your views on this matter. Your letter has been entered into the record for this proceeding and will be taken into consideration.

As you indicate, many questions remain regarding how modification or elimination of the rules would affect the video marketplace. The Commission first sought comment on this issue in 2005 as part of a Petition for Rulemaking from the American Cable Association. The record in that proceeding did not provide a sufficient basis for the Commission to make an informed decision as to whether the exclusivity rules are still necessary.

That is why, as part of the March 31, 2014, *Retransmission Consent Report and Order*, the Commission issued the *Further Notice of Proposed Rulemaking (FNPRM)* referenced in your letter to seek additional comment to complete the record. In particular, the *FNPRM* sought comment on, among other issues, how elimination or modification of the rules would affect both the video marketplace as a whole, as well as the impact on the various stakeholders.

A robust record on these issues will allow the Commission to make an informed decision as to whether or not the exclusivity rules are still necessary in light of the rapidly evolving video marketplace. Please be assured that the Commission staff is carefully evaluating the comments and reply comments that were filed earlier this summer, and we will endeavor to incorporate the GAO Report into the record upon its timely completion.

I appreciate both your thoughtful comments and the opportunity to respond to them.

Sincerely,

Tom Wheeler





OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 10, 2014

The Honorable Henry Waxman  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
2204 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Waxman:

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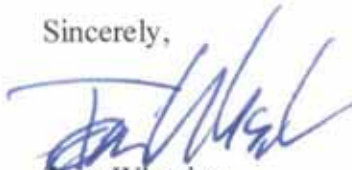
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

October 10, 2014

The Honorable Greg Walden  
Chairman  
Subcommittee on Communications and Technology  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Walden:

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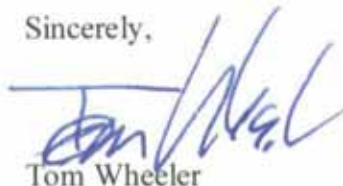
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 10, 2014

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington D.C. 20515

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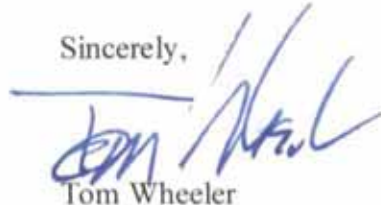
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Tom Wheeler